

SEP 28 2004

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BIRCH, STEWART, KOLASCH & BIRCH, LLP

P.O. Box 747 • Falls Church, Virginia 22040-0747  
Telephone: (703) 205-8000 • Facsimile: (703) 205-8050

Attorney Docket No. 0756-0124P

COPY

COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR PATENT AND DESIGN APPLICATIONS

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated next to my name; that I verily believe that I am the original, first and sole inventor (if only one inventor is named below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Insert Title:

FUNCTIONAL VITAMIN D DERIVATIVES AND METHOD OF DETERMINING 25-HYDROXY- AND 1 $\alpha$ ,25-DIHYDROXY VITAMIN D

Fill in Appropriate Information -  
For Use Without Specification Attached:

the specification of which is attached hereto. If not attached hereto,

the specification was filed on March 3, 2004

as

United States Application Number 10/790,746

and amended on \_\_\_\_\_ (if applicable) and/or

the specification was filed on \_\_\_\_\_ as PCT

International Application Number \_\_\_\_\_ and was

amended on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representative or assigns more than twelve months (six months for designs) prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

Insert Priority Information:  
(if appropriate)

198 28 379 2 DE  
(Number) (Country)

198 40 435.2 DE  
(Number) (Country)

\_\_\_\_\_ (Country)

June 25, 1998  
(Month/Day/Year Filed)

September 4, 1988  
(Month/Day/Year Filed)

\_\_\_\_\_ (Month/Day/Year Filed)

Yes  No  
 Yes  No  
 Yes  No

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional applications(s) listed below.

Insert Provisional Application(s):  
(if any)

\_\_\_\_\_ (Application Number)

\_\_\_\_\_ (Application Number)

\_\_\_\_\_ (Filing Date)

\_\_\_\_\_ (Filing Date)

All Foreign Applications, if any, for any Patent or Inventor's Certificate Filed More than 12 Months (6 Months for Designs) Prior to the Filing Date of This Application:

Country	Application Number	Date of Filing (Month/Day/Year)
_____	_____	_____
_____	_____	_____

Insert Requested Information:  
(if appropriate)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States and/or PCT application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States and/or PCT application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to the patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

Insert Prior U.S. Application(s):  
(if any)

<u>09/720,338</u> (Application Number)	<u>December 22, 2000</u> (Filing Date)	<u>Pending</u> (Status - patented, pending, abandoned)
<u>PCT/EP99/04418</u> (Application Number)	<u>June 25, 1999</u> (Filing Date)	<u>Entered National stage</u> (Status - patented, pending, abandoned)

I hereby appoint the practitioners at CUSTOMER NO. 02292 as my attorneys or agents to prosecute this application and/or an international application based on this application and to transact all business in the United States Patent and Trademark Office connected therewith and in connection with the resulting patent based on instructions received from the entity who first sent the application papers to the practitioners, unless the inventor(s) or assignee provides said practitioners with a written notice to the contrary:

Send Correspondence to:

**BIRCH, STEWART, KOLASCH & BIRCH, LLP or CUSTOMER NO. 02292**

P.O. Box 747 • Falls Church, Virginia 22040-0747

Telephone: (703) 205-8000 • Facsimile: (703) 205-8050

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Full Name of First  
or Sole Inventor:  
Insert Name of  
Inventor if any:  
Insert Date This  
Document is Signed

Insert Residence  
Insert Citizenship

Insert Post Office  
Address

Full Name of Second  
Inventor, if any:  
see above

Full Name of Third  
Inventor, if any:  
see above

Full Name of Fourth  
Inventor, if any:  
see above

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

GIVEN NAME/FAMILY NAME		INVENTOR'S SIGNATURE	DATE*
Franz Paul ARMBRUSTER		<i>Franz Paul Armbuster</i>	May - 27th - 2006
Residence (City, State & Country)		CITIZENSHIP	
Bobenheim-Roxheim, GERMANY		German	
MAILING ADDRESS (Complete Street Address including City, State & Country)			
Mittelstrasse 24, 67240 Bobenheim-Roxheim, GERMANY			
GIVEN NAME/FAMILY NAME		INVENTOR'S SIGNATURE	DATE*
Wolfgang VOELTER			
Residence (City, State & Country)		CITIZENSHIP	
Tübingen, GERMANY		German	
MAILING ADDRESS (Complete Street Address including City, State & Country)			
Panoramastrasse 71, 72070 Tübingen, GERMANY			
GIVEN NAME/FAMILY NAME		INVENTOR'S SIGNATURE	DATE*
Jens TAMPE (formerly SCHWING)			
Residence (City, State & Country)		CITIZENSHIP	
München, GERMANY		German	
MAILING ADDRESS (Complete Street Address including City, State & Country)			
Bingener Strasse 20, 80993 München, GERMANY			
GIVEN NAME/FAMILY NAME		INVENTOR'S SIGNATURE	DATE*
Christian BIRKMAIER			
Residence (City, State & Country)		CITIZENSHIP	
München, GERMANY		German	
MAILING ADDRESS (Complete Street Address including City, State & Country)			
Reitmorstrasse 54, 80538 München, GERMANY			

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Full Name of First Inventor:  
 Insert Name of Inventor:  
 Insert Date This Document is Signed

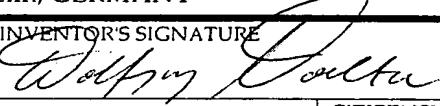
Insert Residence  
 Insert Citizenship

Insert Post Office Address

Full Name of Second Inventor, if any:  
 see above

Full Name of Third Inventor, if any:  
 see above

Full Name of Fourth Inventor, if any:  
 see above

GIVEN NAME/FAMILY NAME <b>Franz Paul ARMBRUSTER</b>		INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country) <b>Bobenheim-Roxheim, GERMANY</b>		CITIZENSHIP <b>German</b>	
MAILING ADDRESS (Complete Street Address including City, State & Country) <b>Mittelstrasse 24, 67240 Bobenheim-Roxheim, GERMANY</b>			
GIVEN NAME/FAMILY NAME <b>Wolfgang VOELTER</b>		INVENTOR'S SIGNATURE 	DATE* <b>20.5.04</b>
Residence (City, State & Country) <b>Tübingen, GERMANY</b>		CITIZENSHIP <b>German</b>	
MAILING ADDRESS (Complete Street Address including City, State & Country) <b>Panoramastrasse 71, 72070 Tübingen, GERMANY</b>			
GIVEN NAME/FAMILY NAME <b>Jens TAMPE (formerly SCHWING)</b>		INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country) <b>München, GERMANY</b>		CITIZENSHIP <b>German</b>	
MAILING ADDRESS (Complete Street Address including City, State & Country) <b>Bingener Strasse 20, 80993 München, GERMANY</b>			
GIVEN NAME/FAMILY NAME <b>Christian BIRKAYER</b>		INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country) <b>München, GERMANY</b>		CITIZENSHIP <b>German</b>	
MAILING ADDRESS (Complete Street Address including City, State & Country) <b>Reitmorstrasse 54, 80538 München, GERMANY</b>			

\*DATE OF SIGNATURE

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GIVEN NAME/FAMILY NAME <b>Franz Paul ARMBRUSTER</b>		INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country) <b>Bobenheim-Roxheim, GERMANY</b>		CITIZENSHIP <b>German</b>	
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GIVEN NAME/FAMILY NAME <b>Wolfgang VOELTER</b>		INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country) <b>Tübingen, GERMANY</b>		CITIZENSHIP <b>German</b>	
MAILING ADDRESS (Complete Street Address including City, State & Country) <b>Panoramastrasse 71, 72070 Tübingen, GERMANY</b>			
GIVEN NAME/FAMILY NAME <b>Jens TAMPE (formerly SCHWING)</b>		INVENTOR'S SIGNATURE <i>J</i> <i>D</i>	DATE* <i>13 July 2004</i>
Residence (City, State & Country) <b>München, GERMANY</b>		CITIZENSHIP <b>German</b>	
MAILING ADDRESS (Complete Street Address including City, State & Country) <b>Bingener Strasse 20, 80993 München, GERMANY</b> <i>Staatsbadgasse 125</i> <i>80809 München</i>			
GIVEN NAME/FAMILY NAME <b>Christian BIRKMAIER</b>		INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country) <b>München, GERMANY</b>		CITIZENSHIP <b>German</b>	
MAILING ADDRESS (Complete Street Address including City, State & Country) <b>Reitmorstrasse 54, 80538 München, GERMANY</b>			

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Full Name of First  
 Inventor:  
 Insert Name of  
 Inventor  
 Insert Date This  
 Document is Signed

Insert Residence  
 Insert Citizenship

Insert Post Office  
 Address

Full Name of Second  
 Inventor, if any:  
 see above

Full Name of Third  
 Inventor, if any:  
 see above

Full Name of Fourth  
 Inventor, if any:  
 see above

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Franz Paul ARMBRUSTER		
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Bingener Strasse 20, 80993 München, GERMANY		
GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Christian BIRKAYER		26-05-04
Residence (City, State & Country)	CITIZENSHIP	
München, GERMANY	German	
MAILING ADDRESS (Complete Street Address including City, State & Country)		
Reitmorstrasse 54, 80538 München, GERMANY		